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FISCAL IMPACT STATEMENT

LS 7183

BILL NUMBER: HB 1458

NOTE PREPARED: Feb 7, 2013

BILL AMENDED: Feb 5, 2013

SUBJECT: Department of Toxicology Fees.

FIRST AUTHOR: Rep. Leonard

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Department of Toxicology Fees*- The bill permits the State Department of Toxicology (ISDT) to continue to collect fees in the amount that was being charged as of January 1, 2013.

Fee Schedule- The bill requires the ISDT to publish the January 1, 2013, fee schedule. The bill allows the ISDT to adopt a rule to change the amount of a fee. The bill requires the ISDT to notify each agency that has paid a fee to the ISDT in the previous 12 months, and any other person that makes a request to be on the notification list, of the proposed new fee amount. The bill requires the notice to change the amount of the fee to be published. The bill legalizes and validates the fees that have been charged by the ISDT since July 1, 2011.

Breath Test Training and Certification Fund- The bill establishes the Breath Test Training and Certification Fund for deposit of the fees. The bill provides that the fund may be used by the ISDT to pay for operating the ISDT, replacing equipment, and conducting research.

Effective Date: Upon passage.

Explanation of State Expenditures: (Revised) *Department of Toxicology Fees*- The ISDT would be allowed by the bill to continue charging fees for the following:

- (1) Certification and recertification of individuals who operate breath-testing equipment.
- (2) Maintenance and calibration of breath-test equipment, including offsetting the costs of replacing equipment and instruments used at the state and local levels for breath testing, and
- (3) Providing training services.

(Revised) *Fee Schedule*- The ISDT would likely be able to adopt rules to establish fees within the course of regular business. Revenues from the fees would be deposited into the Breath Test Training and Certification Fund.

The bill would allow the use of email to notify fee-paying agencies and other persons requesting notification of any proposed fee changes. Allowing use of email would mitigate postage and printing expenditures to the ISDT to send the notices.

It is likely the ISDT would be able to have a web page produced by the Indiana Office of Technology to display the fees required to be displayed by the bill within existing resources.

(Revised) *Background Information*: The ISDT currently runs a certification program for breath testing. There are currently 5,163 active breath-test certifications. All certifications are held by state and local law enforcement officers. There were 2,033 recertifications in 2011 and 2,062 in 2012. The current fee for the certification class is \$300 per registrant. The recertification fee is \$40 per officer every two years. Additionally, ISDT charges a \$650 annual fee for inspections on breath-testing equipment that law enforcement departments use. The fee also covers routine maintenance calls for breakages. ISDT's appropriation is \$4.19 M for the current biennium.

Explanation of State Revenues: (Revised) *Fee Schedule*- The impact of any ISDT fee changes on state revenues is indeterminable and dependent on ISDT actions. Fee revenue would be deposited in the Breath Test Training and Certification Fund.

(Revised) *Breath Test Training and Certification Fund*- Revenue in the Breath Test Training and Certification Fund could be used to operate the ISDT, replace equipment and instruments, and conduct research. Money in the fund at the end of a state fiscal year would not revert to the state General Fund.

Explanation of Local Expenditures: (Revised) *Fee Schedule*- Any increases in fees made by the ISDT would increase the cost to local units for the certification and recertification of their law enforcement officers and inspections of breath-testing equipment.

Explanation of Local Revenues:

State Agencies Affected: ISDT.

Local Agencies Affected: Law enforcement agencies.

Information Sources: Teri Kendrick, Director, State Department of Toxicology; State Budget Agency; Auditor's database run 12/20/2012.

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